

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

May 17, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Haskett, bailiff.

C061662 THE PEOPLE v. JOSEPH GARCIA

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. Jeff B. Grant, Deputy Attorney General, argued for respondent. Cause submitted.

CONSOLIDATED WITH

C061347 THE PEOPLE v. JOSEPH GARCIA

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. Jeff B. Grant, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:35 a.m., the court recessed. At 9:55 a.m., the court reconvened.

C061941 THE PEOPLE v. RICK DAVE DESHON

Cause called. Alex Nicholas Coolman, court appointed counsel, argued for appellant. Melissa J. Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:18 a.m., the court recessed. At 10:21 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C059721 MADDEN v. DEL TACO, INC.

Cause called. Robert F. Koehler argued for appellant. Scott J. Ferrell argued for respondent. Cause submitted.

At 10:46 a.m., the court recessed. At 10:49 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C059910 THE PEOPLE v. MICHAEL ALLEN ROSE

Cause called. Charles M. Bonneau argued for appellant. Paul E. O'Connor, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:11 a.m., the court recessed until 9:30 a.m., Tuesday, May 18, 2010.

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May 17, 2010, Continued

- C058730 THE PEOPLE v. (Not For Publication)**
FAUSTO DEVERA FERRERIA, JR.
The judgment is affirmed. The superior court is directed to correct the abstract of judgment to reflect that defendant's term is 25 years to life with the possibility of parole on count two and to forward the corrected abstract to the Department of Corrections and Rehabilitation.
NICHOLSON, Acting P.J.
We Concur: Blease, J.
 Cantil-Sakauye, J.
- C059246 THE PEOPLE v. (Not For Publication)**
JOSEPH DONALD LOPEZ
The judgment (order of probation) is modified... As modified, the judgment (order of probation) is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C059700 THE PEOPLE v. YANG VANG (Certified For Partial Publication)**
The judgment is modified...
HULL, J.
We Concur: Blease, Acting P.J.
 Sims, J.
- C061622 THE PEOPLE v. (Not For Publication)**
JUSTIN GREGORY MAXWELL
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C061672 THE PEOPLE v. (Not For Publication)**
CURT ORLANDO MARTIN
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Sims, J.

**COURT OF APPEAL
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May 17, 2010, Continued

- C061704 THE PEOPLE v. (Not For Publication)**
ANTHONY SAMUEL FULSOM
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.
- C062059 THE PEOPLE v. (Not For Publication)**
CHRISTOPHER WALTER SCHANTZ
Defendant's conviction is affirmed. As so modified, the order of probation is affirmed. The trial court is directed to amend its records to reflect this modification and to forward the appropriate documents to defendant and to the probation department.
RAYE, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C062110 THE PEOPLE v. (Not For Publication)**
KENNETH RAY MITCHELL
The judgment is reversed. The matter is remanded to the trial court for resentencing. If the court chooses to strike the enhancements, it shall state reasons for doing so. If the court does not strike the enhancements, defendant must be given the opportunity to withdraw his plea.
RAYE, J.
We Concur: Scotland, P.J.
Sims, J.
- C062368 THE PEOPLE v. (Not For Publication)**
SALVADOR REAL GARCIA
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C062442 THE PEOPLE v. (Not For Publication)**
GREGG THOMAS DAVIS
The judgment is modified... As modified, the judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

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May 17, 2010, Continued

- C062640 THE PEOPLE v.
PATRICK DEAN POTTER (Not For Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.
- C052373 CALIFORNIANS FOR PESTICIDE (Certified For Publication)**
REFORM et al. v. CALIFORNIA
DEPARTMENT OF PESTICIDE
REGULATION et al.
The judgment is affirmed. The Department shall recover costs on appeal.
RAYE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C058312 F & H CONSTRUCTION, INC. v. (Not For Publication)**
KRUGER, INC.
The judgment is affirmed insofar as it denies relief to F&H and reversed insofar as it denies attorney fees to Kruger as the prevailing party. ...
RAYE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C062227 FOWLER v. (Not For Publication)**
STOCKTON UNIFIED SCHOOL DISTRICT
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Sims, J.
- C060827 In re B.H.; THE PEOPLE v. B.H. (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Hull, J.

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May 17, 2010, Continued

**C062589 In re C.M.; YOLO COUNTY DEPARTMENT (Not For Publication)
OF EMPLOYMENT AND SOCIAL SERVICES
v. M.M. et al.**

The judgment (order denying visitation) is affirmed.

ROBIE, J.

We Concur: Hull, Acting P.J.

Butz, J.

May 18, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C056183 THE PEOPLE v. IRA GORDON et al.

Cause called. Mark Greenberg, court appointed counsel, argued for appellant Gordon. Eric S. Multhaupt argued for appellant Robson. Jerry D. Whatley argued for appellant Wilson. Peter W. Thompson, Deputy Attorney General, argued for respondent. Additional citations submitted by Peter W. Thompson. Cause submitted.

At 10:14 a.m., the court recessed. At 10:15 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C059754 CONN v. WESTERN PLACER UNIFIED SCHOOL DISTRICT et al.

Cause called. Stephanie J. Finelli argued for appellant. Leith B. Hansen argued for respondent. Cause submitted.

At 10:44 a.m., the court recessed. At 10:45 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

**C060413 RALPH'S GROCERY COMPANY v. UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 8**

Cause called. Miriam A. Vogel argued and Timothy F. Ryan appeared only for appellant. Elizabeth Ann Lawrence argued and Sarah Grossman-Swenson appeared only for respondent. Cause submitted.

At 11:50 a.m., the court recessed. At 11:51 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

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C060340 BUCKLEY v. DURNEY

Cause called. C. Athena Roussos argued for appellant. Kelly J. Snowden argued for respondent. Cause submitted.

At 12:23 p.m., the court recessed. At 12:24 p.m., the court reconvened with Robie, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C060577 RUSH et al. v. WL HOMES, LLC

Cause called. Joseph M. Elguindy argued and Benjamin D. Koegel appeared only for appellant. Robert G. Howie argued for respondent. Cause submitted.

At 12:47 p.m., the court recessed. At 1:58 p.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061943 ROGERS v. BELL HELICOPTER TEXTRON, INC.

Cause called. Louis S. Franecke, Esq., argued for appellant. Timothy J. Ryan argued for respondent. Cause submitted.

At 2:28 p.m., the court recessed. At 2:33 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C060431 COLMAR PROPERTIES, LLC v. CITY OF STOCKTON et al.

Cause called. Donald A. Wilson argued for appellant. Joseph M. Quinn argued for respondent. Cause submitted.

At 3:06 p.m., the court recessed. At 3:08 p.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C061192 Estate of JACK WILLIAM MOON, SR., Deceased; MUNOZ v. GATELY

Cause called. Mark Johnson argued for appellant. Jennifer Miller Moss argued for respondent. Cause submitted.

At 3:37 p.m., the court recessed until 9:30 a.m., Thursday, May 20, 2010.

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- C057722 THE PEOPLE v. ANEUDAE WATSON (Not For Publication)**
The judgment is affirmed. The court is directed to prepare a corrected abstract of judgment reflecting that defendant was sentenced to a consecutive eight-year term for forcible lewd acts with a child under age 14...
SIMS, J.
We Concur: Scotland, P.J.
Blease, J.
- C059226 THE PEOPLE v. (Not For Publication)**
KENNETH DARRYL RHODES
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, J.
Sims, J.
- C059599 THE PEOPLE v. (Not For Publication)**
SHERMAN CUMMINGS
The battery conviction is reversed, and the judgment is modified....In all other respects, the judgment is affirmed. ...
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C060244 THE PEOPLE v. (Not For Publication)**
ERNESTO SALVADOR MACIAS
The judgment is affirmed.
HULL, J.
I concur: Cantil-Sakauye, J.
I concur in the judgment.
Blease, Acting P.J.
- C060588 THE PEOPLE v. (Not For Publication)**
JAYSHAWN VISA PIERCE
The trial court is directed to amend the abstract of judgment to reflect that the sentence for count 2 is stayed, and the sentence for count 3 is a two-year term, for a total determinate sentence of two years. The trial court shall forward a copy of the modified abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Butz, J.

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May 18, 2010, Continued

- C060988 THE PEOPLE v. (Not For Publication)**
DAVID BRIAN BERNEL, II
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C061044 THE PEOPLE v. (Not For Publication)**
EDWARD VLADIMIROV ANDROSHCHUK
The judgment is modified to require defendant to register as a sex offender and the trial court is directed to prepare an amended abstract accordingly and to forward a certified copy to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C061053 THE PEOPLE v. (Certified For Publication)**
JENNELLE MARIE CROSEY
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C061132 THE PEOPLE v. (Not For Publication)**
HERBERT LAWRENCE RASCON
The judgment is modified to add an additional 14 days of presentence custody credit. As modified, judgment is affirmed...
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Sims, J.
- C061210 THE PEOPLE v. (Not For Publication)**
JAMES DEE MCBRIDE
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Butz, J.

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- C061540 THE PEOPLE v. (Not For Publication)**
RANDY EUGENE CALVERY
The matter is remanded to the trial court for an accurate calculation/listing of the fees, fines and assessments imposed. The judgment is modified to provide for two days of conduct credit. The judgment is otherwise affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C061750 THE PEOPLE v. (Not For Publication)**
CHRISTOPHER MICHAEL ATKINSON
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
 Sims, J.
- C061879 THE PEOPLE v. GABRIEL SALCEDO (Not For Publication)**
We affirm the judgment.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Butz, J.
- C061986 THE PEOPLE v. (Not For Publication)**
JAMES CLYDE BROCK
The sentence imposed in this case is vacated and the matter remanded for resentencing consistent with this opinion. In all other respects, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C062001 THE PEOPLE v. (Not For Publication)**
TROY ALLEN FROST
The judgment is affirmed. The trial court shall prepare an amended abstract of judgment showing that defendant has paid \$500 in partial satisfaction of the restitution order of \$4,042.50, and shall forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SIMS, J.
We Concur: Scotland, P.J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
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- C062018 THE PEOPLE v. (Not For Publication)**
THOMAS JEFFERY TODD
The judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Butz, J.
- C062166 THE PEOPLE v. (Not For Publication)**
ALBERT WILLIAM WHITE
The judgment is reversed, and the matter is remanded for the limited purpose of taking defendant's pleas and admissions and reimposing the agreed sentence. If defendant does not agree to reenter his pleas and admissions, the matter shall proceed to trial on all the charges against him.
SCOTLAND, P.J.
We Concur: Sims, J.
 Butz, J.
- C062232 THE PEOPLE v. (Not For Publication)**
SHANNON LIN HOSTETTLER
The judgment is modified... As so modified, the judgment (order of probation) is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Butz, J.
- C062367 THE PEOPLE v. (Not For Publication)**
MICHAEL AARON WITKIN
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
 Cantil-Sakauye, J.
- C062406 THE PEOPLE v. (Not For Publication)**
IAN KEITH LARSON
The judgment (order denying outpatient treatment) is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

May 18, 2010, Continued

- C062473 THE PEOPLE v. (Not For Publication)**
VICTOR MATTHEW CONNER
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Butz, J.
- C062518 THE PEOPLE v. (Not For Publication)**
RAYTHORN JACHIN WINKELMAN
The judgment is affirmed.
CANTIL-SAKAUYE, J.
I concur: Sims, Acting P.J.
I concur in the result:
 Raye, J.
- C060482 WARNER et al. v. CITY OF CITRUS (Not For Publication)**
HEIGHTS POLICE DEPARTMENT et al.
The order denying the Code of Civil Procedure section 425.16 motion to strike is affirmed with respect to the fourth, fifth, and sixth counts of the complaint (harassment, failure to prevent harassment, and intentional infliction of emotional distress) and reversed as to the first, second, and third counts (discrimination, retaliation, and wrongful termination in violation of public policy). ... Defendants are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(3), (5).)
SIMS, Acting P.J.
We Concur: Nicholson, J.
 Raye, J.
- C060549 In re the Marriage of BARBARA and (Certified For Publication)**
WILLIAM C. SCHOPFER; SCHOPFER v.
BONEBRAKE
The judgment (order) of the trial court is affirmed. Bonebrake shall recover costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)
ROBIE, J.
We Concur: Scotland, P.J.
 Sims, J.
- C060633 In re the Marriage of SHEILA W. and (Not For Publication)**
ROBERT L. DAVIS; DAVIS v. DAVIS
The judgment is affirmed. The parties shall bear their own costs on appeal, if any. (Cal. Rules of Court, rule 8.278 (a)(5).)
SIMS, Acting P.J.
We Concur: Hull, J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
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May 18, 2010, Continued

C061606 MONDRAGON et al. v. (Not For Publication)
MERITAGE HOMES OF CALIFORNIA,
INC.

The judgment is affirmed. Defendant shall recover its costs on appeal.
(Cal. Rules of Court, rule 8.278 (a)(1)-(2).)

SIMS, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C062058 SMOLICH v. MERITAGE HOMES OF (Not For Publication)
CALIFORNIA, INC.

The judgment is affirmed. Defendant shall recover its costs on appeal.
(Cal. Rules of Court, rule 8.278 (a)(1)-(2).)

SIMS, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C061881 In re J.A.; THE PEOPLE v. J.A. (Not For Publication)

The judgment is modified... As so modified, the judgment is affirmed. ...

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Raye, J.

C061914 In re J.S.; THE PEOPLE v. J.S. (Not For Publication)

The juvenile court's order continuing the minor as a ward of the court is affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.

Robie, J.

May 19, 2010

There are no minutes for this date

**COURT OF APPEAL
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May 20, 2010, Continued

- C061625 THE PEOPLE v. (Not For Publication)**
WILLIAM SHELBY BAKER
The judgment is modified to lift the stay on the \$200 section 1202.44 fine and order it due and payable. Thus, the abstract of judgment should reflect a \$200 restitution fine (§ 1202.4(b)); a \$200 probation revocation fine (§ 1202.44); and a \$200 parole revocation fine (§ 1202.45). In addition, the fee payable to the Butte County District Attorney's Bad Check Unit is reduced from \$92 to \$35. The abstract should also reflect an award of 140 days of conduct credit, for a total of 280 days of presentence credit. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly, and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Hull, Acting P.J.
Cantil-Sakauye, J.
- C061657 THE PEOPLE v. (Not For Publication)**
RUEL ESQUERRA LAMZON
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C062258 THE PEOPLE v. (Not For Publication)**
STACY LEE BRISSENDEN
The judgment is modified. ... As so modified, the judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Sims, J.
- C062324 THE PEOPLE v. (Not For Publication)**
LISA ELAINE CASAL
The order reinstating probation is reversed and the matter is remanded for sentencing.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.

**COURT OF APPEAL
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May 20, 2010, Continued

- C062457 THE PEOPLE v. (Not For Publication)**
MELINDA RUTH CHAMBERS
The judgment is modified... As modified, the judgment is affirmed. ...
BLEASE, Acting P.J.
We Concur: Sims, J.
 Hull, J.
- C062650 THE PEOPLE v. (Not For Publication)**
HENRY RICHARD RODRIGUEZ
The judgment is modified to award defendant a total of 306 days of
presentence credit, comprised of 204 days of actual custody and 102 days of
conduct credit. As modified, the judgment is affirmed. The trial court is directed
to prepare an amended abstract of judgment accordingly, and forward a certified
copy to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
 Robie, J.
- C062672 THE PEOPLE v. ALFRED ORNELAS (Not For Publication)**
The judgment is modified to increase the presentence conduct credits to
108. As modified, the judgment is affirmed. The trial court is directed to amend
the abstract of judgment and to forward a certified copy to the Department of
Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
 Sims, J.
- C054070 RICHMAN et al. v. (Not For Publication)**
RIDEOUT MEMORIAL HOSPITAL
The order granting JNOV is reversed in its entirety. ... Rideout is
awarded its costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(3).)
HULL, J.
We Concur: Raye, Acting P.J.
 Cantil-Sakauye, J.
- C060195 BOURKOV v. TUZYAK et al. (Not For Publication)**
The purported appeal is dismissed. Bourkov shall reimburse Tuzyak for
his costs on appeal.
SCOTLAND, P.J.
We Concur: Sims, J.
 Nicholson, J.

**COURT OF APPEAL
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C061417 In re A.M.; THE PEOPLE v. A.M. (Not For Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.

Cantil-Sakauye, J.

**C061745 In re S.W.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. I.B. et al.; M.B. et al.**

The order authorizing the minor's removal from appellants' custody without a hearing is reversed, and the matter is remanded to the juvenile court with directions to promptly conduct a hearing pursuant to section 322.26 and determine whether it is in the minor's best interest to be removed from appellants' home. ...

SCOTLAND, P.J.

We Concur: Nicholson, J.

Robie, J.

C061010 In re L.B.; THE PEOPLE v. L.B.

The requests for an order directing depublication of the opinion in the above-entitled appeal are granted. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed March 16, 2010, which appears at 182 Cal.App.4th 1367. (Cal. Const., art VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)

The court declines to review this matter on its own motion. The matter is now final.

GEORGE, C.J.

May 21, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

C062388 In re the Marriage of JILL and VICTOR D.; JILL D. v. VICTOR D.

Cause called. Leslie A. Barry, court appointed counsel, argued for appellant. Frank E. Dougherty argued for respondent. Cause submitted.

At 10:01 a.m., the court recessed. At 10:03 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Sims, Associate Justice.

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C059444 FRAZIER et al. v. GREENWELL et al.

Cause called. Stanley P. Fleshman argued for appellant. Daniel V. Kohls argued for respondent. Cause submitted.

At 10:32 a.m., the court recessed. At 10:33 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C059908 NORCAL WASTE SYSTEMS, INC. v. DEPARTMENT OF TRANSPORTATION

Cause called. Michael S. Ayers argued for appellant. John K. Hoxie argued for respondent. Cause submitted.

At 11:00 a.m., the court recessed. At 11:01 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C062550 In re WARREN GRANARD WATFORD on Habeas Corpus.

Cause called. Linda M. Leavitt argued for appellant. Michael Canzoneri, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:12 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Robie, Associate Justice.

C061148 THE PEOPLE v. JORGE RAMIREZ

Cause called. Heather MacKay, court appointed counsel, argued for appellant. Paul E. O'Connor, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:27 p.m., the court recessed. At 2:28 p.m., the court reconvened with Blease, associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C062478 BERRY v. AMADOR WATER AGENCY

Cause called. Ken Berry argued in pro. per. for appellant. Ryan S. Bezerra argued for respondent. Cause submitted.

At 2:51 p.m., the court recessed until 9:30 a.m., Monday, May 24, 2010.

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- C059048 THE PEOPLE v. (Not For Publication)**
ERNEST ARTHUR DIAZ
The judgment is modified... As modified, the judgment is affirmed. A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C061440 THE PEOPLE v. (Certified For Publication)**
AARON MICHAEL WOOSLEY
The judgment is reversed with directions to the trial court to vacate defendant's plea and reinstate the dismissed enhancement.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C061665 THE PEOPLE v. BILLY GRAY (Not For Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C062086 THE PEOPLE v. (Not For Publication)**
CELICIO VIRGIL CAJERO
Defendant's conviction is affirmed. The abstract of judgment is to be amended in accordance with this opinion; as so amended, the judgment is affirmed. The trial court is to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C062129 THE PEOPLE v. (Not For Publication)**
MARCUS NELSON HUME
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

May 21, 2010, Continued

C062337 THE PEOPLE v. (Not For Publication)
RONNIE LEVON EDWARDS

 The judgment is reversed, and the case is remanded to the trial court for reconsideration of defendant's equal protection argument in light of *People v. McKee*...

 ROBIE, J.
We Concur: Nicholson, Acting P.J.
 Hull, J.

C062622 THE PEOPLE v. (Not For Publication)
BERNARDINO DALAZA

 The condition of probation concerning association with gang members is modified as follows: "Defendant shall not associate with any person whom he knows, or whom the probation officer informs him, is a gang member, nor be in places that he knows, or the probation officer informs him, are frequented by gang members. ...

 As so modified, the judgment (order of probation) is affirmed. The trial court is directed to amend its records to reflect the modifications and to forward the appropriate documents to defendant and to the probation department.

 BUTZ, J.
We Concur: Sims, Acting P.J.
 Robie, J.